

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS INSTITUTE OF)
TECHNOLOGY,)
and)
CHILDREN'S MEDICAL CENTER)
CORPORATION,)
Plaintiffs/)
Counterclaim Defendants,)
v.) Civil Action No. 13-cv-10020-MLW
SHIRE PHARMACEUTICALS, INC.,)
and)
SHIRE REGENERATIVE MEDICINE, INC.,)
Defendants/)
Counterclaim Plaintiffs)
)

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PROPOSED JUDGMENT

This action is for patent infringement of U.S. Patent Nos. 5,759,830 ("the '830 patent"), 5,770,193 ("the '193 patent"), and 5,770,417 ("the '417 patent"), having been brought by Plaintiffs Massachusetts Institute of Technology and Children's Medical Center Corporation (collectively "Plaintiffs") against Defendants Shire Pharmaceuticals LLC (f/k/a Shire Pharmaceuticals, Inc.) and Shire Regenerative Medicine, Inc. (collectively "Defendants").

Based on the Court's April 17, 2015 Order construing the claim terms "vascularized organ tissue," "cells derived from a vascularized tissue," and "three-dimensional," and without prejudice to any appellate rights, judgment is entered as follows:

1. Claims 1-4, 6, and 8 of the '830 patent and claims 1-4, 6-9, 15 and 16 of the '193 patent (collectively the "Asserted Claims") are not invalid.
2. On Counts I and II of the Second Amended Complaint, judgment of infringement of the Asserted Claims is entered in favor of Plaintiffs and against Defendants.
3. All of Defendants' counterclaims are dismissed with prejudice.
4. This judgment is "final except for an accounting" and is thus appealable under 28 U.S.C. § 1292(c)(2).
5. This case shall be stayed pending any appeal to the United States Court of Appeals for the Federal Circuit, and shall remain stayed until a mandate issues therefrom.

IT IS ORDERED this 28th day of June 2015.

Mark L. Wolf
Mark L. Wolf
United States District Court Judge